THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.26576 OF 2005

ORAL ORDER:

The petitioners herein claim to be the residents of Bangarammapalem village of S. Rayavaram Mandal, Visakhapatnam District. It is stated that they belong to fishermen community and the entire village was affected due to Tsunami causing huge loss to the fishermen community. Having taken note of the loss suffered by the fishermen community, who lost their houses along the coast line, the Government issued G.O.Rt.No.77, Housing (RH.I) Department dated 1.03.2005 sanctioning 40,000 houses to Tsunami affected fishermen in the State with the unit cost of Rs.40,000/-. The terms and conditions for taking up housing for fishermen were specified thereunder. The Clause with regard to identification of the beneficiaries runs as under:

> " The Commissioner of fisheries shall identify the beneficiaries for 40,000/- houses village/Mandal and District-wise. Joint teams of Revenues and fisheries Departments will identify the list of eligible beneficiaries. The District in-charge Ministers concerned will accord approvals after which the District Collectors concerned will accord administrative sanction of the houses. No construction is to be taken up in anticipation."

Petitioners state that in pursuance of the said scheme, the 4th respondent-Mandal Revenue Officer prepared a list of the beneficiaries in S. Rayavaram Mandal consisting of 80 names. It is claimed that the names of both the petitioners herein were also included in the said list. However, strangely, the 4th respondent has prepared a fresh list of 161 beneficiaries and forwarded the same to the concerned officials to implement the scheme under G.O.Rt.No.77 dated 1.03.2005. Since the names of the petitioners herein were not included in the said list, this writ petition has been filed seeking a declaration that the action of the respondents 1 to 3 in canceling the list dated 24.03.2005 and preparing a fresh list with 161 beneficiaries, as arbitrary and illegal.

In response to the *Rule Nisi* ordered, the Joint Director of Fisheries, Visakhapatnam, filed a counter-affidavit stating that the 4th respondent has not forwarded the list of 80 beneficiaries as contended by the petitioners. It is further stated that as a matter of fact the list consisting of 161 beneficiaries, who were identified with the assistance of the village elders by the 3rd respondent in Bangarammapalem village, depending upon their economic condition, was received. All other allegations made by the petitioners have been denied and it is stated that the list of 161 beneficiaries prepared by the 4th respondent had been approved by the District Collector, who is the Chairman of the District Housing Committee and Executive Director of the Andhra Pradesh State Housing Corporation Limited, as per the guidelines issued under G.O.Rt.No.77, dated 1.03.2005.

I have heard the learned counsel for the petitioners as well as the learned Government Pleader appearing for the respondents and perused the material on record.

As per Clause (d) of G.O.Rt.No.77 dated 1.03.2005, the Commissioner of Fisheries is the competent authority to identify the beneficiaries under the scheme. As per the said clause Joint teams of Revenue and Fisheries Department have to identify the list of eligible beneficiaries. In the counter-affidavit filed by the Joint Director of Fisheries, it is stated that the beneficiaries of S. Rayavaram Mandal were identified strictly in accordance with the guidelines issued under G.O.Rt.No.77, dated 1.03.2005.

However, the petitioners pleaded that they were also the affected fishermen of the village, and they lost their houses in Tsunami, and therefore, they are entitled to the benefit under the scheme. In support of their contention the petitioners have placed before this Court a list dated 24.03.2005 said to have been prepared by the Mandal Revenue Officer, which appears to have been signed by Secretary of the Gram Panchayat, Vakapadu, Sarpanch of the Gram Panchayat, Vakapadu, Velugu Grama Iykya Sangham, Bangarammapalem, as well as Fishermen Co-operative Society, Bangarammapalem village. The genuineness of the said list and particularly the eligibility of the petitioners cannot be enquired into and decided by this Court in exercise of Writ jurisdiction.

In the circumstances, I deem it appropriate to dispose of the Writ Petition with

a direction to the 1st respondent to make necessary enquiry with regard to the eligibility of the writ petitioners in consultation with the revenue and other departments, and in case it is found that the petitioners are also eligible as per G.O.Rt.No.77, dated 1.03.2005, necessary steps shall be taken for providing houses to the petitioners on par with the other beneficiaries.

The writ petition is accordingly disposed of. No costs.

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(G. ROHINI, J.)

1st February, 2006.

Kgr

Issue CC in three days.

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.26576 OF 2005

1st February, 2006.

Between:

Kaare Laxmi and another. .. Petitioners.

And

The District Collector/

Executive Director,

A.P. State Housing Corporation,

Visakhapatnam and three others. ..Respondents.